

Notice of Allowability	Application No.	Applicant(s)	
	10/812,216	ARAM ET AL.	
	Examiner	Art Unit	
	MICHAEL J. ARAJ	3775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments filed on April 8, 2010.
2. ☒ The allowed claim(s) is/are 6,7,10-12,14-21 and 30-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20100702</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other ____. |
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/Michael J Araj/
Examiner, Art Unit 3775

/Thomas C. Barrett/
Supervisory Patent Examiner, Art Unit 3775

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Wood on July 2, 2010.

The application has been amended as follows:

In claim 6, lines 18-23 have been replaced with "wherein the first alignment pin has a length sufficient that the first alignment pin can extend completely through the bone with a first tip that can extend beyond the bone on a first side and a second tip that can extend beyond the bone on an opposite side of the bone, and the second alignment pin has a length sufficient that the second alignment pin can extend completely through the bone with a third tip that can extend beyond the bone on the first side and a fourth tip that can extend beyond the bone on the opposite side,"

Claim 7 has been changed to read as follows: "The system of claim 6 wherein the first alignment pin has a length sufficient that the first alignment pin can extend completely through the bone with the first tip that can extend beyond the bone on the a first side and the second tip that can extend beyond the bone on the opposite side and into the first guide hole when the guide block is positioned on the opposite side of the bone."

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In claim 10, lines 18-24 have been replaced with “wherein the first alignment pin has a length sufficient that the first alignment pin can extend completely through the bone with a first tip that can extend beyond the bone on a first side and a second tip that can extend beyond the bone on an opposite side of the bone and into the first guide hole when the guide block is positioned on the opposite side of the bone, and the second alignment pin has a length sufficient that the second alignment pin can extend completely through the bone with a third tip that can extend beyond the bone on the first side and a fourth tip that can extend beyond the bone on the opposite side,”

In claim 10, lines 30-39 have been replaced with “wherein the second alignment pin has a length sufficient that the second alignment pin can extend completely through the bone with the third tip that can extend beyond the bone on the first side and the fourth tip that can extend beyond the bone on the opposite side and into the second guide hole when the guide block is positioned on the opposite side of the bone, and

wherein the guide block is formed to include a first saw guide and a second saw guide said first and second saw guides being positioned to guide the wire saw along the resection plane of reference when the wire saw is received in the first and second saw guides, the first alignment pin is received in the first guide hole and the second alignment pin is received in the second guide hole.”

Claim 12 has been changed to read as follows: “The system of claim 10 wherein the guide block is formed to include a third guide hole extending through the guide block, the third guide hole being sized to receive a drill sized to form a hole in the bone

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sized to receive an alignment pin, the third guide hole being oriented with respect to the first guide hole to define a second plane therewith oriented at an angle with respect to the first plane and further comprising a third alignment pin configured to be inserted through a third incision into the bone in a third orientation, the third alignment pin having a length sufficient that the third alignment pin can extend completely through the bone with a fifth tip that can extend beyond the bone on the a first side and a sixth tip that can extend beyond the bone on the opposite side.”

In claim 14, lines 18-23 have been replaced with “wherein the first alignment pin has a length sufficient that the first alignment pin can extend completely through the bone with a first tip that can extend beyond the bone on a first side and a second tip that can extend beyond the bone on an opposite side and the second alignment pin has a length sufficient that the second alignment pin can extend completely through the bone with a third tip that can extend beyond the bone on the first side and a fourth tip that can extend beyond the bone on the opposite side, and”

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. ARAJ whose telephone number is (571)272-5963. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached on 571-272-4746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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